

SPECIAL CIVIL APPLICATION NO.3740 OF 1983

Date of decision: 10.4.1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.K. KESHOTE, J  
(10.4.96)

Mr. A.K. Padia for the petitioner.

C.A.V. JUDGMENT:

None present for the respondents.

Heard the learned counsel for the petitioner. The challenge at the instance of the petitioner in the present

writ petition is to the award of the Labour Court, Rajkot, dated 13-8-1982 passed in Reference (LCR) No.230 of 1979 by which the reference was rejected. The petitioner workman had raised industrial dispute demanding that he should be reinstated on his original post with full backwages. The Labour Court held that it is not a case of termination of service, but it is a case where the petitioner himself voluntarily left the service.

2. The only contention raised by the learned counsel for the petitioner is that the Labour Court has not considered the statement of the witness of the management where categorical admission has been made that the services of the petitioner workman were terminated. Though the statement of the witness is in Gujarati, I have taken translated version of the same from the learned counsel for the petitioner. I am satisfied that there is no admission whatsoever on the part of the management to the extent suggested by the learned counsel for the petitioner. From reading of the statements of this witness, it is not acceptable that it partakes the character of admission. Statement of witness has to be read as a whole. The finding of the Labour Court against the workman seems to be perfectly legal and justified in the present case. The finding on the question that the petitioner had left the service himself was recorded relying on the admission of the petitioner as well as other documentary evidence produced. From the documents at annexure 35, 36 and 37 which were filed by the petitioner for withdrawal of amount of provident fund itself clearly show that the Labour Court has rightly held that the petitioner had left the service from 19-9-1978. These documents were produced by the workman himself.

3. Having considered the award as well as the contention made by the learned counsel for the petitioner I do not find any illegality in the award of the labour court which warrants interference by this Court sitting under Article 227 of the Constitution of India.

4. In the result the writ petition fails and the same is dismissed. Rule discharged.

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